

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

Investigation by the Department of
Telecommunications and Energy on its own motion
to develop a long term plan for funding Enhanced
E 911 Services

DTE 06-33

**REPLY COMMENTS
OF AT&T COMMUNICATIONS OF NEW ENGLAND, INC**

Of Counsel:

Mark A. Keffer
AT&T Enterprise Services, Inc.
3033 Chain Bridge Rd
Oakton, VA 22185
703.691.6046
832.213.0131 (fax)
mkeffer@att.com

Jay E. Gruber
AT&T Enterprise Services, Inc.
99 Bedford Street, 4th Floor
Boston, MA 02111
617.574.3149
281.664.9929
jegrub@att.com

August 25, 2006

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

Investigation by the Department of
Telecommunications and Energy on its own motion DTE 06-33
to develop a long term plan for funding Enhanced
E 911 Services

**REPLY COMMENTS
OF AT&T COMMUNICATIONS OF NEW ENGLAND, INC.**

AT&T Communications of New England, Inc. (AT&T) respectfully submits these reply comments in DTE 06-33. In this proceeding, the Department of Telecommunications and Energy (Department) opened an investigation to develop recommendations on the long term funding of E911 that will be submitted to the Legislature no later than December 31, 2006 pursuant to the Acts of 2002, c. 239 section 3. The Department noted that the proceeding “will identify and address any and all issues affecting the E911 system, including the equitable payment of the costs of the system by all its beneficiaries and the changes and projected changes in technology comprising the E911 system.”¹

As a general matter, AT&T supports the premise put forward by several parties that a funding mechanism for E911 should apply to all end-users accessing E911 services regardless of the type of technology used to access the services.² For example, the requirement in the “FCC VoIP 911 Order” that all interconnected VoIP providers make E911 services available to their customers places an additional burden on the system.

¹ Investigation by the Department of Telecommunications and Energy on its own motion to develop a long term plan for funding Enhanced E 911 Services, DTE 06-33, Vote and Order to Open Investigation (April 28, 2006) at page 3.

² See Verizon MA’s July 28 comments and the Statewide Emergency Telecommunications Board’s July 28 comments.

This means, plainly, that VoIP customers should also contribute to the direct costs of providing E911³. The importance of expanding and stabilizing the funding base cannot be overstated. As more customers abandon traditional wireline services in favor of wireless, VoIP and other technologies, the traditional source of E911 funding is continuing to erode. Just four years ago, the E911 system had accrued a deficit of over \$43 million.⁴ Regulators facing those sorts of deficits can either increase E911 charge for the remaining wireline customers (which, in turn, simply causes more customers to abandon traditional service) or expand funding sources to include all technologies that utilize E911 service. Clearly, expanding the funding source to include all users of E911, regardless of the technology they use to reach the E911 service, is going to help stabilize and secure the long term funding for the program.

However, AT&T would like to make clear that support for expanding the E911 surcharge to include VoIP customers for this limited purpose is not an acknowledgement by AT&T that states have broad authority to regulate Internet-based services like VoIP. The Federal Communications Commission (FCC) has preempted state regulation of VoIP services⁵ The FCC has acknowledged, however, that states may already require E911 funding from interconnected VoIP providers or may be updating statutes to cover VoIP providers.⁶ AT&T does not object to participating in such funding mechanisms, provided that they are established in a fair and equitable manner.

³ In the Matters of IP-Enabled Services, E911 Requirements for IP-Enabled Service Providers, (WC 04-36, 05-195)

⁴ Investigation by the DTE on its own motion to Develop a Long-Term Funding for Enhanced 911 Services, , DTE 06-33, *Vote and Order to Open Investigation*, (April 28, 2006), at 1.

⁵ In re: Vonage Holdings Corp. Petition for Declaratory Ruling Concerning an Order of the Minnesota Public Utilities Commission, Memorandum Opinion and Order (*Vonage Order*), 19 FCC Rcd 22404 (2004).

⁶ In the Matters of IP-Enabled Services, E911 Requirements for IP-Enabled Service Providers, (WC 04-36, 05-195) at pages 30-31.

Similar to Verizon, AT&T also generally supports the National Emergency Number Association (NENA) Next Generation E911 Partnership's principles for funding E911 outlined in the SETB's May 17 comments in this proceeding. These principles include limiting E911 funds to narrowly-defined, specific E911 purposes. Regulators should rebuff calls to direct funding to other unrelated public safety efforts. Ideally, E911 services and other important public policy programs should be funded through the Commonwealth's general fund rather than through a surcharge on telephone consumers.

SUMMARY

AT&T is committed to providing the high-quality next-generation telecommunications services demanded by consumers in compliance with public safety interests and state and federal law. A long-term funding mechanism for the E911 system that draws equitably on all interconnected end-users of telecommunications services will ensure that these broad-based public safety needs are met in a competitively neutral, technology neutral, and carrier neutral manner. Furthermore, limiting the use of the funds to specific E911 purposes will serve to strengthen and increase reliability of the Massachusetts E911 system.

Respectfully submitted,

**AT&T COMMUNICATIONS OF
NEW ENGLAND, INC.**

By its attorney,

A handwritten signature in dark ink, appearing to read "Jay E. Gruber", is enclosed within a rectangular box. Below the box is a horizontal line.

Of Counsel:

Mark A. Keffer
AT&T Enterprise Services, Inc.
3033 Chain Bridge Rd
Oakton, VA 22185
703.691.6046
832.213.0131 (fax)
mkeffer@att.com

Jay E. Gruber
AT&T Enterprise Services, Inc.
99 Bedford Street, 4th Floor
Boston, MA 02111
617.574.3149
281.664.9929
jegrub@att.com

August 25, 2006

